

NEVER WIRED CLARK, JUDGE RHEA STATES

Submits Telegraphic Correspondence With Reference to Message.

ABOUT SCOTT COUNTY BALLOT

With the cross-examination of Judge W. F. Rhea by Captain Bullitt as the feature of its session last night, the General Assembly's joint Committee on Confirmation adjourned, subject to the call of the chair, to await the arrival of certain witnesses for the prosecution. At the conclusion of the hearing, Senator Noel and Captain Bullitt stated that it was important to them to hear

Captain J. M. Gent, of Russell, and
 Captain J. M. Joslin. Both have been
 summoned, and the return as to Cap-
 tain Gent was to the effect that he
 was sick and could not attend. There
 was no return as to Captain Joslin, and
 as the law was issued for him, as the pro-
 secution declares he is a material wit-
 ness.

Will Argue Case.
 The question of probable argument
 was discussed to some extent by coun-
 sel for the defense, and it was ascer-
 tained that the case would be argued
 was reached it seemed generally under-
 stood that both sides desired to submit
 argument, at the pleasure of the com-
 mittee.

The cross-examination of Judge
 Rhea by Captain Bullitt furnished the
 only real interest in what was after-
 wards a painfully dull session, for the
 searching questions of the attorney
 for the prosecution did not reveal any
 of the facts and heretofore known in
 inquiry. Before any witnesses were
 examined Judge Rhea asked to be al-
 lowed to submit some telegraphic cor-
 respondence concerning the telegram
 sent to the president, and to which
 Clerk at Honaker, after the Rhea
 Siemp election, and to which Hon-
 Henry C. Stuart had testified on Mon-

Vivred Hon. H. G. Peters, Judge John W. Price, and J. A. Stone, of Bristol, to see if they could find such a message as was alleged to have been sent from Bristol on November 6 or 8, 1902. The message received in reply was:

"All telegrams destroyed within twelve months old. You never wired Clark."

E. S. Kendrick was recalled and testified that he was a member of the Legislature of 1902, and that Senator Leggett was from Bristol. Senator Leggett had charge of the bill in the House. It having been offered simultaneously by the Senator on the other side.

The Secretary of the Commonwealth, Hon. D. C. Eggleston, was recalled, testifying that on examination of the records he had made two different returns had been made to his office from Buchanan county, the first having shown over the second an advantage of 10 for Rhea.

John R. Egan, a witness was Mr. R. C. Thompson, of the Western Union Telegraph Company, and he testified as to the relays necessary for such a message as was alleged to have been sent by Judge Rhea to M. C. Clark, and the "leakage" which would be necessary especially in a hot political struggle.

Session in Detail.

It was shortly after Senator Echols called the committee to order that Judge Rhea took the stand on cross examination. The questioning of Cap

There were no fiery scenes, though, as intervals Judge Rhea would say with the utmost deference, "Please let me get through before you ask me another question."

"My political and public life has been an open book," he commenced, "and I wish the Legislature to know my acts."

"You stated in your examination I am chief that the Federal census could not have had any bearing on the establishment of the Corporation Court of

"I think so," was the reply.
As to the Jordan Case.
"Colonel Fulkerson was proposing to attack the legality of the court, was he not?"
"I heard so, but I was satisfied with the constitutionality of the court, because I had more faith in the man who took the local census than I had in the man who took the Federal census."
"Now, with reference to the Jordan case, you delivered a written opinion, did you not?"

"Yes, sir; but I have been unable to find any evidence to sustain a verdict of murder in the first degree. The prosecution contend that the man was shot stealthily through the window? If the jury had brought in a verdict for murder in the first degree, would you have been satisfied? If the evidence had been plainly sufficient to sustain a verdict of murder in the first degree I should have suggested it."

Opinion Criticized.

"You thought it should have been murder in the first degree because the man was shot through the window?"

"Yes, sir; I believe that the man was entitled to a verdict of murder in the first degree or acquittal."

"Was not your opinion criticized?"

"Yes, sir. And that sentiment was expressed by the jury."

and a bitter personal enemy.

Captain Bullitt wanted to offer the Bristol News of 1959, quoting alleged articles from the Lynchburg News and the Bristol Courier, printed in 1907 condemning Judge Rhea for the verdict in the Jordan case, but it was excluded by the committee.

"Can't you recall the fact that you decided the Jordan case on a point not raised by the defense?"

"I can't say that."

Took the Responsibility.

"Didn't you then discharge the priest on several 'law' affidavits?"

"After a talk with the Commonwealth's attorney I did," He said he would not take the responsibility of entering a nolle prosequi, and I told him I would."

"You didn't give counsel time to argue, did you?"

"No time was asked for argument."